

CONNELL FOLEY LLP
Stephen V. Falanga, Esq.
Christopher M. Hemrick, Esq.
85 Livingston Avenue
Roseland, New Jersey 07068
Telephone: (973) 535-0500
Telecopy: (973) 535 9217
Attorneys for Defendants, Gary I. Branse and Michael Deluca

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE: NEW JERSEY TAX SALES
CERTIFICATES ANTITRUST LITIGATION

Master Docket No. 3:12-CV-01893-MAS-TJB

CLASS ACTION

NOTICE OF MOTION OF
DEFENDANTS, GARY I. BRANSE AND
MICHAEL DELUCA, TO DISMISS
COMPLAINT FOR FAILURE TO STATE
A CLAIM

Oral Argument Requested

TO:
LITE DEPALMA GREENBERG, LLC
Bruce D. Greenberg
Steven J. Greenfogel
Two Gateway Center, Suite 1201
Newark, New Jersey 07102-5003
(973) 623-3000
Interim Liaison Counsel

HAGENS BERMAN SOBOL SHAPIRO LLP
Steve W. Berman (*admitted pro hac vice*)
1918 Eighth Avenue, Suite 3300
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
Interim Liaison Counsel

HAUSFELD LLP
Michael D. Hausfeld (*admitted pro hac vice*)
James Pizzirusso (*admitted pro hac vice*)
Seth R. Gassman (*admitted pro hac vice*)
1700 K Street, NW, Suite 650
Washington, DC 20006 Tel: 202-540-7200
Fax: 202-540-7201
Interim Liaison Counsel

HAGENS BERMAN SOBOL SHAPIRO
LLP
Jennifer F. Connolly (*admitted pro hac vice*)
629 K St., NW, Suite 300 Washington, DC
20006
Telephone: (202) 355-6435
Facsimile: (202) 355-6455
Interim Liaison Counsel

HAGENS BERMAN SOBOL SHAPIRO LLP

Jason A. Zweig (*admitted pro hac vice*)

One Penn Plaza, 36th Floor

New York, NY 10119

Telephone: (212) 752-5455

Facsimile: (917) 210-3980

Interim Liaison Counsel

PLEASE TAKE NOTICE that on Monday, June 3, 2013, or as soon thereafter as counsel can be heard, the undersigned counsel for defendants, Gary I. Branse and Michael DeLuca ("Defendants"), shall move before the Honorable Michael A. Shipp, U.S.D.J, in the United States District Court for the District of New Jersey, located at 402 East State Street, Trenton, New Jersey 08608 for an Order dismissing the claims asserted against Defendants in Plaintiffs' Consolidated Master Class Action Complaint, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that, in support of this motion, Defendants join, and incorporate by reference, the Memorandum of Law in Support of American Tax Funding, LLC, BBX Capital Corporation, Fidelity Tax, LLC and Plymouth Park Tax Services' Motion to Dismiss and related pleadings (Dkt. No. 173) and the Memorandum of Law in Support of Defendants' Joint Motion to Dismiss and related pleadings (Dkt. No. 174), filed with the Court on March 8, 2013.

Respectfully submitted,

CONNELL FOLEY LLP

Attorneys for Defendants,

Gary I. Branse and Michael DeLuca

By: /s/ Stephen Falanga
Stephen V. Falanga
Christopher M. Hemrick

Dated: March 8, 2013

CERTIFICATION OF SERVICE

I certify that on March 8, 2013, I caused a copy of the attached **NOTICE OF MOTION OF DEFENDANTS, GARY I. BRANSE AND MICHAEL DELUCA, TO DISMISS COMPLAINT FOR FAILURE TO STATE A CLAIM** to be served on counsel of record via the Court's electronic filing system.

I certify under penalty of perjury that the foregoing is true and correct.

/s/ Stephen Falanga
Stephen V. Falanga

Executed on: March 8, 2013